

HOUSE BILL No. 1279

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-18-10.

Synopsis: Confined feeding operations. Requires a person that wishes to construct a confined feeding operation or a concentrated animal feeding operation in a county that zones to obtain all approvals to construct the operation required under applicable zoning ordinances or other zoning laws applicable in the county in which the operation would be located.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Agriculture and Rural Development.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1279

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-10-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person may not
3 start construction of a confined feeding operation without obtaining:

4 (1) the prior approval of the department; **and**

5 (2) **if applicable, all approvals to construct the confined**
6 **feeding operation required under zoning ordinances and**
7 **zoning laws as described in section 1.5 of this chapter.**

8 (b) Obtaining an NPDES permit for a CAFO:

9 (1) meets the requirements of subsection ~~(a)~~ (a)(1) and 327
10 IAC 16 to obtain an approval; **and**

11 (2) **does not meet the requirements of subsection (a)(2) if the**
12 **CAFO would be located in a county that zones under**
13 **IC 36-7-4.**

14 SECTION 2. IC 13-18-10-1.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) This section applies to a**
17 **person that proposes to construct a confined feeding operation or**



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CAFO in a county that zones under IC 36-7-4.

(b) Before a person may:

(1) submit an application to the department under this chapter to start construction of a:

(A) confined feeding operation; or

(B) CAFO for which an NPDES permit has not been obtained; or

(2) begin construction of a CAFO for which an NPDES permit has been obtained;

the person must obtain all approvals to construct the confined feeding operation or CAFO required under applicable zoning ordinances and zoning laws in the county in which the confined feeding operation or CAFO would be located.

SECTION 3. IC 13-18-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Application for approval of the construction of a confined feeding operation must be made on a form provided by the department. An applicant must submit the completed application form to the department together with the following:

(1) Plans and specifications for the design and operation of manure treatment and control facilities.

(2) A manure management plan that outlines procedures for the following:

(A) Soil testing.

(B) Manure testing.

(3) Maps of manure application areas.

(4) Supplemental information that the department requires, including the following:

(A) General features of topography.

(B) Soil types.

(C) Drainage course.

(D) Identification of nearest streams, ditches, and lakes.

(E) Location of field tiles.

(F) Location of land application areas.

(G) Location of manure treatment facilities.

(H) Farmstead plan, including the location of water wells on the site.

(5) A fee of one hundred dollars (\$100). The department shall refund the fee if the department does not make a determination in accordance with the time period established under section 2.1 of this chapter.

(6) If the confined feeding operation would be located in a

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1 county that zones under IC 36-7-4, evidence that the applicant
 2 has fulfilled the requirements of section 1.5 of this chapter by
 3 obtaining all approvals to construct the confined feeding
 4 operation required under:

5 (A) applicable zoning ordinances; and

6 (B) other applicable zoning laws;

7 in the county in which the confined feeding operation would
 8 be located.

9 (b) An applicant who applies for approval to construct a confined
 10 feeding operation on land that is undeveloped or for which a valid
 11 existing approval has not been issued shall make a reasonable effort to
 12 provide notice:

13 (1) to:

14 (A) each person who owns land that adjoins the land on which
 15 the confined feeding operation is to be located; or

16 (B) if a person who owns land that adjoins the land on which
 17 the confined feeding operation is to be located does not occupy
 18 the land, all occupants of the land; and

19 (2) to the county executive of the county in which the confined
 20 feeding operation is to be located;

21 not more than ten (10) working days after submitting an application.
 22 The notice must be sent by mail, be in writing, include the date on
 23 which the application was submitted to the department, and include a
 24 brief description of the subject of the application. The applicant shall
 25 pay the cost of complying with this subsection. The applicant shall
 26 submit an affidavit to the department that certifies that the applicant
 27 has complied with this subsection.

28 (c) Plans and specifications for manure treatment or control
 29 facilities for a confined feeding operation must secure the approval of
 30 the department. The department shall approve the construction and
 31 operation of the manure management system of the confined feeding
 32 operation if the commissioner determines that the applicant meets the
 33 requirements of:

34 (1) this chapter;

35 (2) rules adopted under this chapter;

36 (3) the water pollution control laws;

37 (4) rules adopted under the water pollution control laws; and

38 (5) policies and statements adopted under IC 13-14-1-11.5
 39 relative to confined feeding operations.

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